

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WILLIAM NORKUNAS

v.

RNA, LLC

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No. 3-11-0281

ORDER

By contemporaneously entered order, the Court has approved and entered the parties' joint initial case management plan and order, with modifications addressed at the initial case management conference held on July 29, 2011. Those modifications and other matters addressed on July 29, 2011, are as follows:

1. The parties shall have until August 9, 2011, to serve initial disclosures in accord with Rule 26(a)(1) of the Federal Rules of Civil Procedure.

2. The plaintiff shall have until October 17, 2011, to serve expert disclosures in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure.

3. The parties shall have until October 24, to file any motions to add parties or to amend the pleadings.

4. All written discovery shall be served no later than November 11, 2011.

5. Because the parties anticipate little or no discovery of electronically stored information, they are exempted from the provisions of Administrative Order No. 174, entitled "Default Standard for Discovery of Electronically Stored Information ('E-Discovery')," entered July 9, 2007.

6. With the agreement of the parties, there shall be no rebuttal or supplemental expert disclosures.

7. Any discovery motions shall be filed by December 19, 2011.

As provided in the contemporaneously entered order, any dispositive motion shall be filed by January 30, 2012. Any response shall be filed within 30 days of the filing of the motion or by

February 29, 2012, if the motion is filed on January 30, 2012. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by March 14, 2012, if the response is filed on February 29, 2012.

There shall be no stay of discovery before the December 16, 2011, deadline for completion of fact discovery or the January 30, 2012, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

8. Counsel for the parties shall convene at telephone conference call with the Court on **Thursday, September 29, 2011, at 10:00 a.m.**, to be initiated by defendant's counsel, to address the status of settlement discussions, the potential for settlement, propriety of ADR, and any other appropriate matters.

Counsel for the parties advised that they intend to consent to proceed before the Magistrate Judge. Therefore, contingent upon the parties' filing a consent to proceed before the Magistrate Judge and a reassignment of this case to the Magistrate Judge, a non-jury trial is tentatively scheduled to begin on **Tuesday, August 7, 2012, at 9:00 a.m.**, in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville.

The parties are directed to contact Ms. Jeanne Cox, Courtroom Deputy, by 12:00 noon on Friday, August 3, 2012, if this case has settled. Failure to provide such notification in the event the parties have settled the case may result in assessment of costs against the parties and/or their attorneys.

The pretrial conference is also scheduled on **Monday, July 30, 2012, at 4:00 p.m.**, in Courtroom 764.

By July 3, 2012, counsel shall advise opposing counsel of those portions of any depositions to be read at trial or those portions of video depositions to be viewed at trial, in accord with Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, and shall serve a list of the expected witnesses and exhibits in accord with Rule 26(a)(3)(A)(i) and (iii) of the Federal Rules of Civil Procedure.

By July 13, 2012, the parties shall file any motions in limine, any Daubert motions and/or motions relating to expert testimony, any evidentiary objections to deposition testimony, in accord with Local Rule 39.01(d)(1) and Rule 26(a)(3)(B), and any objections to proposed exhibits in accord with Rule 26(a)(3)(B).

Any responses to such motions in limine, any responses to any Daubert motions and/or motions relating to expert testimony, and any responses to objections to deposition testimony and proposed exhibits shall be filed by July 23, 2012.

By July 23, 2012, the parties shall also:

1. Submit a proposed joint pretrial order;¹
2. File and serve their respective final witness and exhibit lists; and
3. File a listing of all agreed stipulations.

A deadline for filing pretrial briefs will be established at the pretrial conference, if appropriate.

The parties shall premark all exhibits and comply with Local Rule 39.01(c)(4).

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge

¹ The pretrial order shall contain (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings; (2) a short summary of the plaintiff's theory (no more than one page); (3) a short summary of the defendant's theory (no more than one page); (4) the issues to be submitted to the Court; (5) any anticipated evidentiary issues; and (6) a statement that the parties have complied with the provisions of this order.